



Federal Communications Commission  
Washington, D.C. 20554

December 18, 2007

**DA 07-5024**

**Released: December 18, 2007**

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Scripps Howard Broadcasting Company  
WEWS-TV  
312 Walnut Street  
28<sup>th</sup> Floor  
Cincinnati, OH 45202

Re: Scripps Howard Broadcasting Company  
WEWS-TV, Cleveland, OH  
Facility ID No. 59441  
File No. BRCT-20050601ALD

Dear Licensee:

This refers to your license renewal application for station WEWS-TV, Cleveland, OH.

In the Children's Television Act of 1990, Pub. L. No. 101-437, 104 Stat. 996-1000, *codified at* 47 U.S.C. Sections 303a, 303b and 394, Congress directed the Commission to adopt rules, *inter alia*, limiting the number of minutes of commercial matter that television stations may air during children's programming, and to consider in its review of television license renewals the extent to which the licensee has complied with such commercial limits. Pursuant to this statutory mandate, the Commission adopted Section 73.670 of the Rules, 47 C.F.R. § 73.670, which limits the amount of commercial matter which may be aired during children's programming to 10.5 minutes per hour on weekends and 12 minutes per hour on weekdays. *Children's Television Programming*, 6 FCC Rcd 2111, 2118, *recon. granted in part*, 6 FCC Rcd 5093, 5098 (1991).

On June 1, 2005, you filed the above-referenced license renewal application for station WEWS-TV. In response to Section IV, Question 5 of that application, you certify that, during the previous license term, station WEWS-TV failed to comply with the limitations on commercial matter in children's programming specified in Section 73.670 of the Commission's Rules. In Exhibit 19, you state that station WEWS-TV exceeded the children's television commercial limits on three occasions between October 14, 2000, and May 14, 2005. Of those three overages, one was 2.25 seconds in duration, one was 28 seconds in duration, and one was 60 seconds in duration. You attribute the overages to human errors and maintain that station WEWS-TV has taken corrective measures to ensure future compliance.

It appears from the information before us that the overages in question were isolated violations of the children's television commercial limits. Such *de minimis* violations of Section 73.670 of the Commission's Rules do not warrant further consideration in connection with WEWS-TV's renewal application.

Accordingly, IT IS ORDERED that, a copy of this Letter shall be sent by First Class and Certified Mail, Return Receipt Requested, to Scripps Howard Broadcasting Company at the address listed above, and to Kenneth C. Howard, Jr., Esquire, Baker & Hostetler LLP, 1050 Connecticut Avenue, N.W., Suite 1100, Washington, D.C. 20036-5304.

Sincerely,

Barbara A. Kreisman  
Chief, Video Division  
Media Bureau